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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,063	11/03/2000	Brendan Solan	200-0621	6644

32996 7590 04/29/2003

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EXAMINER

RODRIGUEZ, PAUL L

ART UNIT PAPER NUMBER

2125

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/706,063	11/03/2000	Brendan Solan	200-0621	6644

7590 04/08/2003
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Ramirez

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Office Action Summary

Application No.

09/706,063

Applicant(s)

SOLAN ET AL.

Examiner

Paul L Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Drawings

2. The drawings are objected to because figure 2 does not provide adequate labeling for reference numbers 13, 17, 19 and 26, element numbers drawn to an empty box or a non descript item does not provide clear identification of elements. Recommend labels such as "Tag", "Reader", "Storage facility" and "Computer" be added. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Pages 1-13, specification and claims, the margin at the top of the page was inadequate, when holes where punched into the pages of the specification and claims, the top line of text on each page now contains holes. It is recommended that the applicant submit a substitute specification and clean copy of the claims with adequate top margins in response to this office action so that no text is missing from the specification.

Page 4 line 20 refers to "methodology 10", previously "flowchart 10", identification of reference numbers should be consistent.

Page 4 line 26 refers to "invention 10", reference number 10 previously used to identify "flowchart" and "methodology".

Page 5 line 13 refers to "tag 16", reference number 16 used to designate a step in the flowchart of figure 1, tag is reference number 13.

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Appropriate correction is required.

Claim Objections

4. Claim pages, due to inadequate margins, now contain hole punches in the first line of every page of the claims. Applicant is advised that in response to this office action a clean copy of the claims with an adequate top margin is requested. This would help in avoiding any claim text problems if the case were to issue.

Claims 11, 13, 15 and 17 are objected to because of the following informalities:

Claim 11 line 3 refers to "said plurality of products", previously claimed "a plurality of previously produced products", reference to the same claim limitation or element should remain consistent for all uses. Could create an antecedent problem in the claim.

Claim 11 line 5 refers to "said products", previously claimed "said plurality of products" and "a plurality of previously produced products", references to the same limitation should remain consistent. Could create an antecedent problem in the claim.

Claim 11 lines 11-12 refers to "said at least one product", previously "at least one of said plurality of products", reference should remain consistent for all uses. Could create an antecedent problem in the claim.

Claim 11 line 15 refers to "said tags", previously "electronic tag", reference should remain consistent for all uses. Could create an antecedent problem in the claim.

Claim 13 line 2 refers to "said certain status indicator", previously "a certain indicator", reference should remain consistent for all uses. Could create an antecedent problem in the claim.

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Claim 13 lines 3-4 refer to "said indicator", previously "a certain indicator" and "a certain status indicator" reference should remain consistent for all uses. Could create an antecedent problem in the claim.

Claim 15 line 4 refers to "each of said tags", previously "readable tag", would be better as "each readable tag". Could create an antecedent problem in the claim.

Claim 15 line 5 refers to "the vehicle", previously "plurality of vehicles", would be better as "a vehicle". Could create an antecedent problem in the claim.

Claim 15 line 16 refers to "said located", previously "a location". Could create an antecedent problem in the claim.

Claim 17 line 1 refers to "said status", previously "a certain status". Could create an antecedent problem in the claim.

5. The examiner has provided a number of examples of the claim deficiencies in the above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as examples of deficiencies and should make all the necessary corrections to eliminate the claim objections.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 9 recites the limitation "said certain status" in claim 9 line 1. There is insufficient antecedent basis for this limitation in the claim. Previously claims recite "certain status indicator". The examiner considers the "status" and a "status indicator" to be separate and distinct items.

8. Claim 15 recites the limitation "said location" in claim 15 line 13. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 15 recites the limitation "said undesirable characteristic" in claim 15 lines 17-18. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ehrman et al (Pub 2001/0037298 A1). The claimed invention reads on Ehrman et al as follows:

Ehrman et al discloses (claim 1) a method comprising the steps of receiving an item (paragraph 41 lines 1-10, vehicle is received upon return), placing the item within a storage facility (paragraph 41 lines 8-10, placed in lot), identifying a modification to be made to the item

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(paragraph 41 lines 11-14, prepare for re-rental includes cleaning and fueling), dynamically locating said item within said storage facility (paragraph 40 lines 21-24, paragraph 41 lines 11-14), performing said modification to said item (paragraph 41 lines 12-13, process for re-rental), and shipping said item when said modification has been made to said item (move item to ready area, paragraph 41), (claim 2), wherein said item comprises a vehicle (reference number 10), (claim 3) wherein said step of dynamically locating said item comprises the steps of placing a selectively readable tag on said item (reference number 14, figure 1) and remotely reading said tag (paragraph 14 and 40), (claim 4) wherein said tag is an electronic tag which is selectively read from a remote location (paragraph 13, 14, 24, 39), (claim 5) creating certain status indicator after said modification has been identified (paragraph 31 lines 7-10, status, paragraph 41 status of ready for re-rental), (claim 6) wherein said certain status indicator is effective to prevent said item from being shipped (paragraph 31 lines 7-10), (claim 7) wherein said certain status indicator is selectively programmed into said tag (paragraph 40), (claim 8) further comprising the step of eliminating said certain status indicator after said modification has been performed (paragraph 31 lines 7-10, paragraph 40, paragraph 41, from not ready to ready), (claim 9) wherein said certain status is selectively removed from said tag after said modification has been performed (paragraph 40 lines 24-28), (claim 10) wherein said item is placed into a first location within said storage facility, moved to a second location, and located after said item has been moved to said second location (paragraph 41), (claim 11) a method for maintaining the quality of a plurality of produced products (paragraph 17, because the device also monitors car parameters, examiner considers this to be a method for maintaining quality of a product, also cleaning a car is considered a method of maintaining quality) comprising the steps of receiving said plurality of

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products (reference number 10, paragraph 26, plural vehicles), placing a remotely readable electronic tag on each of said products (paragraph 23 lines 1-9, reference number 14, figure 1), placing said plurality of products within a storage facility (rental lot, figure 2, reference number 100), receiving a service request for at least one of said plurality of products (paragraph 41 lines 7-11, prepare for re-rental), creating a certain indicator (paragraph 31 lines 7-10, paragraph 41 lines 3-8), associating said certain indicator with said at least one product, effective to prevent said at least one product from being shipped (paragraph 31 lines 7-10, vehicle not ready for re-rental), remotely locating said at least one product by use of said tags (paragraph 13, 14, 24, 39), and providing service to said at least one product, thereby maintaining the quality of said at least one product (paragraph 41 lines 11-15, cleaning and preparing for re-rental) (claim 12) wherein each of said plurality of products comprise vehicles (reference number 10, figure 1), (claim 13) wherein said step of associating said certain status-indicator with said at least one product comprises selectively placing said indicator within said tag residing upon said at least one product (paragraph 23, 30), (claim 14) wherein said at least one product is stored at a certain location (lot) and said certain location is stored within a computer system (reference number 50, paragraph 39), (claim 15) a method comprising the steps of receiving a plurality of vehicles (reference number 10, 1a, 1b, figure 2, plural vehicles), placing a selectively readable tag on each of said plurality of vehicles (paragraph 23 lines 1-9, reference number 14, figure 1), each of said tags including first data uniquely identifying the vehicle upon which said tags respectively reside (paragraph 23, 30), interrogating each of said tags to receive said respective first data of each of said vehicles (paragraph 30, 40), receiving a service notification relating to at least one of said vehicles (paragraph 41 lines 11-15, processing for re-rental), associating a certain status with

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said at least one of said vehicles (paragraph 31 lines 7-10), determining said location of said at least one of said vehicles by interrogating said tag residing upon said at least one of said vehicles (paragraph 30, 40), and performing service to said located at least one of said vehicles, effective to correct said undesirable characteristic (carwash, refuel) and prevent said at least one of said vehicles from being shipped with said undesirable characteristic (paragraph 31 lines 7-10, vehicle not ready), (claim 16) wherein said vehicles are placed within a storage yard (reference number 100), (claim 17) wherein said status is programmed into the tag which is disposed upon said at least one of said vehicles (paragraph 40), (claim 18) wherein said at least one of said vehicles is positioned at a first location and is moved to a second location at which said tag residing upon said at least one of said vehicles is interrogated (paragraph 41), (claim 19) further comprising the step of removing said certain status from said tag which is disposed upon said at least one of said vehicles (paragraph 40 lines 24-28) and (claim 20) wherein said certain status is resident within a computer (paragraph 30, paragraph 40 lines 24-28, central database).

12. Claims 1-3, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Madden et al (U.S. Pat 6,516,239). The claimed invention reads on Madden et al as follows:

Madden et al discloses (claim 1) a method comprising the steps of receiving an item (figure 3, col. 17 lines 3-10, figure 1A reference number 132), placing the item within a storage facility (reference number 110, col. 8 lines 9-33, col. 18 lines 3-56), identifying a modification to be made to the item (col. 10 line 56 – col. 11 line 4), dynamically locating said item within said storage facility (col. 3 lines 34-40, col. 4 lines 21-34, col. 9 lines 8-32), performing said modification to said item (col. 10 line 59 – col. 11 line 5), and shipping said item when said

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modification has been made to said item (col. 8 lines 9-16, col. 10 lines 63-65), (claim 2) wherein said item comprises a vehicle (col. 7 lines 8-28), (claim 3) wherein said step of dynamically locating said item comprises the steps of placing a selectively readable tag on said item (col. 9 lines 33-38, Smarteye label) and remotely reading said tag (col. 9 line 33 – col. 10 line 6), (claim 15) a method comprising the steps of receiving a plurality of vehicles (col. 17 lines 3-10), placing a selectively readable tag on each of said plurality of vehicles (col. 9 lines 33-38), each of said tags including first data uniquely identifying the vehicle upon which said tags respectively reside (col. 9 lines 33-38, col. 12 lines 15-18), interrogating each of said tags to receive said respective first data of each of said vehicles (col. 12 lines 13-23), receiving a service notification relating to at least one of said vehicles (col. 10 line 59 - col. 11 line 2), associating a certain status with said at least one of said vehicles (col. 7 line 55 – col. 8 line 8), determining said location of said at least one of said vehicles by interrogating said tag residing upon said at least one of said vehicles (col. 9 line 33 – col. 10 line 6), and performing service to said located at least one of said vehicles, effective to correct said undesirable characteristic (col. 10 line 59 – col. 11 line 5) and prevent said at least one of said vehicles from being shipped with said undesirable characteristic (col. 7 line 54 – col. 8 line 8, fix a vehicle with FAIL status, or scrap a vehicle with SCRAPPED status) and (claim 16) wherein said vehicles are placed within a storage yard (reference number 100, 110, col. 8 lines 9-48).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 4-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madden et al (U.S. Pat 6,516,239) in view of Carrender et al (U.S. Pat 5,850,187).

Madden et al teaches most all of the instant invention as applied to claims 1-3, 15 and 16 above and also teaches (claim 5) creating certain status indicator after said modification has been identified (col. 10 line 56 – col. 11 line 5), (claim 6) wherein said certain status indicator is effective to prevent said item from being shipped (col. 7 line 54 – col. 8 line 8, col. 10 lines 56-65), (claim 8) further comprising the step of eliminating said certain status indicator after said modification has been performed (col. 11 lines 2-4), (claim 9) wherein said certain status is selectively removed from said tag after said modification has been performed (col. 11 lines 2-4), (claim 10) wherein said item is placed into a first location within said storage facility, moved to a second location, and located after said item has been moved to said second location (col. 3 lines 37-40), (claim 11) a method for maintaining the quality of a plurality of produced products (col. 15 lines 57-65, “quality results”) comprising the steps of receiving said plurality of products (col.

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17 lines 3-10), placing a remotely readable electronic tag on each of said products (col. 9 lines 33-38, col. 12 lines 7-27), placing said plurality of products within a storage facility (reference number 100, col. 8 lines 9-48), receiving a service request for at least one of said plurality of products (col. 10 lines 56-65), creating a certain indicator (col. 7 line 54 - col. 8 line 8), associating said certain indicator with said at least one product (col. 7 lines 54-57), effective to prevent said at least one product from being shipped (Fail, Scrapped, col. 8 lines 2-8), remotely locating said at least one product by use of said tags (col. 9 line 33 – col. 10 line 6), and providing service to said at least one product thereby maintaining the quality of said at least one product (col. 10 lines 59-65, col. 17 lines 18-31), (claim 12) wherein each of said plurality of products comprise vehicles (col. 7 lines 8-28), (claim 14) wherein said at least one product is stored at a certain location (col. 8 lines 9-33) and said certain location is stored within a computer system (col. 8 lines 65-66), (claim 18) wherein said at least one of said vehicles is positioned at a first location and is moved to a second location at which said tag residing upon said at least one of said vehicles is interrogated (col. 3 lines 34-40, col. 12 lines 13-15), (claim 19) further comprising the step of removing said certain status from said tag which is disposed upon said at least one of said vehicles (col. 11 lines 2-4) and (claim 20) wherein said certain status is resident within a computer (col. 7 lines 54-57).

Madden et al fails to teach (claim 4) the tag is an electronic tag (claim 7) wherein said certain status indicator is selectively programmed into said tag, (claim 13) selectively placing information within said tag residing upon said at least one product and (claim 17) wherein said status is programmed into the tag.

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Carrender et al teaches (claim 4) the tag is an electronic tag (reference number 18) which is selectively read from a remote location (reference number 50, col. 3 line 58 – col. 4 line 4), (claim 7) wherein said certain information is selectively programmed into said tag (col. 5 line 9-25), (claim 13) selectively placing information within said tag (col. 5 lines 9-25) residing upon said at least one product (col. 1 lines 31-38), and (claim 17) wherein said status is programmed into the tag (col. 2 lines 26-31, col. 5 lines 9-25, col. 5 lines 44-47).

Madden et al and Carrender et al are analogous art because they are both related to tracking of articles through the use of a tag, including an automobile.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the electronic tag of Carrender et al in the control system of Madden et al because Carrender et al teaches an improved wireless electronic tag system that is less expensive than previous wireless systems and smaller than previous systems and uses less power than previous systems (col. 1 lines 58-65).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sims et al (U.S. Pat 5,434,775) teaches an electronic tag system for inventory management of devices stored at various locations throughout a facility.

Lee et al (U.S. Pat 5,059,836) teaches an electronic tag system that can be used for vehicle management.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L Rodriguez whose telephone number is (703) 305-7399.

The examiner can normally be reached on 6:00 - 4:30 T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read 'Paul L Rodriguez', with a long horizontal flourish extending to the right.

Paul L Rodriguez
Examiner
Art Unit 2125

PLR
April 4, 2003